

KATE McKENNA, AICP
Executive Officer

MINUTES OF THE
LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY
Approved September 25, 2006

Regular Meeting
Monday, July 24, 2006, 4:00 p.m.
Board of Supervisors Chambers
Monterey County Government Center
168 West Alisal, First Floor
Salinas, California

The meeting of the Local Agency Formation Commission (LAFCO) of Monterey County was called to order by Chair Perkins at 4:07 p.m. in the Monterey County Board of Supervisors Chambers. Commissioner Gourley led the Pledge of Allegiance.

ROLL CALL

Members Present

Chair Perkins, *(Special District Member)*
Commissioner Rubio, Vice-Chair, *(City Member)*
Commissioner Caballero, *(City Member)*
Commissioner Calcagno, *(County Member)*
Commissioner Darington, Alternate *(Public Member)*
Commissioner DiMaggio *(Public Member)*
Commissioner Gourley, Alternate *(City Member)*
Commissioner McGowan *(Special District Member)*
Commissioner Shirrel, Alternate *(Special District Member)*
Commissioner Smith *(County Member)*

Members Absent

Commissioner Armenta, Alternate *(County Member)*

Staff Present

Kate McKenna, AICP, Executive Officer
Thomas A. McCue, AICP, Senior Analyst
Elliot Mulberg, Senior Analyst
Efren Iglesia, LAFCO Counsel
Tom Gibson, Special LAFCO Counsel
Rachelle Jones, LAFCO Clerk

Item 4: Minutes

4.a Approval of Minutes of the June 26, 2006 Regular LAFCO Meeting.

Upon Motion of Commissioner McGowan, seconded by Commissioner Rubio, minutes of the June 26, 2006 Regular LAFCO meeting were unanimously approved.

Item 5: Welcome to New LAFCO Staff Member

Executive Officer McKenna announced Elliot Mulberg as LAFCO's new Senior Analyst, filling the position approved in the FY 2006-07 budget.

Item 6: Public Comment:

Hans Jongens spoke about concerns with the war in the Middle East and illegal immigration.

Item 7: Commissioner Comment:

None

Item 8.a-b: Consent Agenda:

Executive Officer McKenna provided staff report.

Upon Motion of Commissioner Calcagno, seconded by Commissioner Smith, consent agenda items: accept check register for June 2006 and Approve Professional Services Agreement in the amount of \$10,000 for Fiscal Year 2005-06 audit, with an option to extend the agreement for an additional three years, was unanimously approved.

Item 9: Public Hearings

9.a Continued Consideration of the Carmel Valley Incorporation Proposal (*LAFCO File No. 03-10*). Accept Status Report and Revised Schedule.

Non Agendized Item – Carmel Valley Incorporation Proposal - Committee Report on LAFCO Costs (*LAFCO File No. 03-10*).

Executive Officer McKenna provided status report of the Carmel Valley Incorporation proposal with recommendation for new timeline and report from the LAFCO cost committee on LAFCO costs.

Chair Perkins opened item to the floor.

Public Comment

Loren Steck, research psychologists at UCLA, asked the Commission to strike the surveys from consideration, because they are biased and designed to create specific responses. Lee Lotz spoke in support of the completion of the process. Sharon Bacon asked Commission to push Incorporation forward. Larry Bacon discussed and questioned fees involved with the incorporation process. Milt Kegley, Carmel Valley Forum, spoke in opposition the fees and read into the record a letter from Congressman Sam Farr. Vickie McMillan spoke in favor of bringing the incorporation to a vote.

Marcy Rustad said that there are many residents who have not had the opportunity to attend the meetings and have been waiting to vote on the incorporation. Glenn Robinson, President Carmel Valley Forum, spoke against fees involved with the incorporation process. Christine Williams would like to see the incorporation brought to a vote and less money charged to the proponents. Michael McMillan asked that boundaries be kept as proposed. John Dalessio spoke about the definition of “actual costs” and said that the forum has agreed to pay “out of pocket” expenses to LAFCO. Roy Kaminski spoke in opposition to the incorporation saying that Carmel Valley will grow if incorporated. Attorney Frank Lunding urged LAFCO to obtain complete indemnification agreement prior to staff moving forward. Rod Mills commented on the opposition’s surveys. Jack Siebman conceded his speaking time to Robert Sinotte. Robert (Bob) Sinotte, President Save Carmel Valley, spoke in opposition of the incorporation and provided updated figures from the survey. Scott MacClelland spoke in favor of bringing incorporation to a vote. Paul Ingram also spoke in favor of moving forward with a vote. Max Chaplin, Carmel Valley Forum, spoke in favor of the incorporation and read into the record a letter from Meyers Nave. Tim Sanders spoke regarding integrity and the voting process. Robert (Bob) Wilhelm spoke in favor of the incorporation and moving forward with a vote.

Chair Perkins closed item to the floor.

Commissioner Comment and Action

Commissioner DiMaggio stated that he declined invitation to the LandWatch Board or advisory Board. Commission discussed the issue of payment of fees. Commission agreed that the issue of fees needed to be continued to the September 25th regular LAFCO meeting.

Upon Motion of Commissioner Caballero, and seconded by Commissioner Calcagno, status report and revised timeline for Carmel Valley Incorporation Proposal (*LAFCO File #03-10*) with direction to Executive Officer to come back with an agendized item relating only to exact past and future costs and indemnification at the September 25, 2006 Regular LAFCO meeting, was unanimously approved.

9.b Consider Proposal Submitted by Don Chapin to Annex 12.5 Acres to the Monterey Regional Water Pollution Control Agency and County Service Area # 9 to Provide Sewer, Storm Drain Facilities, and Street Lighting Services for an Affordable Housing Project). The Proposed “Commons at Rogge Road” Annexation is Located on the Northeast Corner of the Intersection of San Juan Grade Road and Rogge Road, is in the Unincorporated County of Monterey Jurisdiction, and is Adjacent to the City of Salinas Sphere of Influence (*LAFCO File No. 06-05*).

Senior Analyst McCue provided staff report.

Public and Commissioner Comment

Commissioner DiMaggio questioned whether the proposal area was going to be included in the City of Salinas Comprehensive Sphere of Influence Update. Bob Richelieu, City of Salinas, explained that the applicant would submit a separate proposal for Annexation and Sphere of Influence update.

Upon Motion of Commissioner DiMaggio, seconded by Commissioner McGowan, the “Commons at Rogge Road” Annexation proposal submitted by Don Chapin to Annex 12.5 Acres to the Monterey Regional Water Pollution Control Agency and

County Service Area # 9 to provide sewer, storm drain facilities, and street lighting services for an affordable housing project located on the Northeast corner of the intersection of San Juan Grade Road and Rogge Road, in the unincorporated County of Monterey jurisdiction, and adjacent to the City of Salinas Sphere of Influence (*LAFCO File No. 06-05*), was unanimously approved.

9.c Consideration of the Final Draft Municipal Services Review Report for the South/Central Salinas Valley Area.

Consultant Michael McCormick provided staff report and presentation.

Chair Perkins opened item to the floor.

Public Comment

Robert Van Nort, Interim City Manager City of King City, asked that information for the City of King City be updated to show current information.

Chair Perkins closed item to the floor.

Commissioner Action

Upon motion of Commissioner Calcagno, seconded by Commissioner Smith, the Municipal Services Review Report for the Greater Salinas Area was unanimously approved with amendments made by Robert Van Nort.

Item 10: Old Business

10.a Continued Consideration of Nominations for CALAFCO Achievement Awards.

Executive Officer McKenna provided report.

There was no public comment on this item.

Upon motion of Commissioner Smith, seconded by Commissioner McGowan, Commissioners Darington and Calcagno were unanimously nominated for the 2006 CALAFCO Achievement Awards.

10.b Continued Consideration of Attendance at 2006 CALAFCO Annual Conference.

Executive Officer McKenna provided report.

There was no public comment on this item.

Upon Motion of Commissioner Calcagno, and seconded by Commissioner Smith, attendance was unanimously approved for Commissioners Calcagno and Shirrel at the 2006 CALAFCO Annual Conference.

Item 11: New Business

11.a Consider Appointment to LAFCO Budget and Finance Committee.

Executive Officer McKenna provided report.

There was no public comment on this item.

Upon Motion of Commissioner Calcagno, and seconded by Commissioner Smith, Commissioner Rubio was unanimously appointed to the LAFCO Budget and Finance Committee.

Item 12: Executive Officer's Report

Executive Officer McKenna reported that LAFCO would soon be receiving proposals for City Sphere of Influence amendments. She anticipates bringing new policies forward to the Commission.

Item 13: Correspondence

None

Item 14: Closed Session - Under Government Code Section 54950 et.seq.

Under Government Code Section 54950 et.seq.

- a. Pursuant to Government Code Section 54956.9 (b) – Potential Litigation
The Commission will Confer with Legal Counsel Regarding One Item of Significant Exposure to Litigation:
Carmel Valley Incorporation Proposal (*LAFCO File No. 03-10*)
- b. Pursuant to Government Code Section 54956.9 (a) – Existing Litigation
The Commission will Confer with Legal Counsel Regarding the Following Item:
Save Our Waterfront Committee VS. City of Monterey; City Council of the City of Monterey; Local Agency Formation Commission of Monterey County, et al., Respondents & Defendants:
Cannery Row Marketplace, LLC, et al., Real Parties in Interest – Superior Court Case Number M78054
- c. Pursuant to Government Code Section 54956.9 (a) – Existing Litigation
The Commission will Confer with Legal Counsel Regarding the Following Item:
William Sims, Mark Splinder, Sharon Waller, and Valley Volunteers, Inc. (Petitioners) VS. Monterey County Local Agency Formation Commission also known as LAFCO of Monterey County (Respondent) – Superior Court Case Number M79069

Chair Perkins moved that Commission and LAFCO Counsel meet in closed session to discuss items 14.a - c.

Commission reconvened in open session. There was no reportable action taken on these items.

Item 15: Adjournment

On motion of Chair Perkins, there being no objection, the meeting was adjourned at 7:29 p.m. to the next regular LAFCO meeting to be held on Monday, September 25, 2006 at 4:00 p.m. in the Board of Supervisors Chambers, 168 W. Alisal St., First Floor, Salinas, California.

Respectfully Submitted,

Rachelle Jones
LAFCO Clerk